Comparative Constitutions

**Learning Objectives.** Students will be able to:

- Explain the general differences between the U.S. Constitution and state constitutions
- Identify how state constitutions might guarantee more or broader rights than the U.S. Constitution using the Florida Constitution as an example
- Analyze the differences between amending the U.S. Constitution and amending state constitutions, using the Constitution of Virginia as an example
- Compare the constitution of their own state with the U.S. Constitution

### Time Needed:
One to two class periods

### Materials Needed:
Student worksheets; Overhead transparencies; Online or paper copy of your state’s constitution

### Copy Instructions:

**Reading & Comparison Activity packet**
*class set; double-sided*

**Comparison Worksheet packet**
*class set; double-sided*

**Teacher’s Guide**

- **Prepare** for the lesson by finding a copy of your state constitution (online or paper) and locating the provisions that answer the questions in the Comparison Worksheet. Fill out a copy of the Comparison Worksheet (5 pages) for yourself.

- **Anticipate** by asking the student how many constitutions the United States has. Explain that there is one for the federal government, one for each state, and many counties and local governments have them too!

- **Distribute** one Reading & Comparison Activity packet to each student.

- **Read** the first paragraph with the class.

- **Display** the preamble comparison chart on your overhead projector.

- **Compare** the two preambles. Help the class underline the parts that are the same by underlining on your overhead master with a pen.

- **Continue** through the comparison packet in this way, reading and comparing until you have finished the comparison packet. (When comparing the rights each constitution gives to citizens, make sure to help students find the main general differences instead of trying to compare word for word.) Working through this packet models the kinds of things students will look for in the next activity when they will compare their own state constitution with the U.S. Constitution.

- **Distribute** one comparison worksheet to each student

- **Project** an online version of your state constitution, starting with the preamble. (If you don’t have projector capability, you might want to cut and paste relevant parts of your state constitution into a document and photocopy it for the students instead of copying the entire document.)

- **Compare** your state’s preamble with the U.S. preamble. Have students copy the state preamble onto their worksheets.

- **Continue** through the packet, comparing relevant parts of your state constitution and having students note similarities and differences on the comparison worksheet

- **Finish** by helping students draw a diagram of your state’s constitutional amendment process on the last page of the packet
Comparative Constitutions

If You’ve Seen One . . .

. . . you have not seen them all! State constitutions usually have many things in common with the United States Constitution, but there are many differences too. The U.S. Constitution begins with a **Preamble** that introduces the Constitution and explains its purpose. The Florida Constitution, for example, also has a preamble.

**Activity**: Compare the Preamble of the U.S. Constitution with the Preamble of the Florida Constitution. **Box** the parts that are **the same** in both documents.

---

**U.S. Constitution**

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

**Florida Constitution**

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

---

**Government Rules!**

Just as the U.S. Constitution gives the rules for how the U.S. government should run, state constitutions give rules for how a state government should run. Like the U.S. Constitution, state constitutions describe the branches of government that the state will have. Often these branches are very similar, but if you take a closer look you will find differences.

**Activity**: Compare how the government is set up in the U.S. Constitution with how the state government is set up by the Florida Constitution. This time, **underline** the parts that are **different**.

---

**U.S. Constitution**

The executive Power shall be vested in a President of the United States of America.

The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

**Florida Constitution**

The **supreme** executive power shall be vested in a governor.

The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts.
Everybody’s Got Rights

State constitutions also contain many of the same rights and guarantees you see in the U.S. Constitution. The U.S. Constitution is the supreme law of the land and cannot be violated. That means state constitutions cannot give state citizens fewer rights than the U.S. Constitution gives. However, state constitutions can guarantee more rights than the U.S. Constitution does. For example, a state constitution might give more protection for a right that is also in the U.S. Constitution. A state constitution might also include additional rights that are not found in the U.S. Constitution. Finally, a state constitution might include rules about things that are unique to that state, such as how the state’s natural resources should be preserved.
**Comparative Constitutions**

**Activity:** To see how a state constitution might offer similar yet different rights than the U.S. Constitution, compare the U.S. Constitution with parts of the Florida Constitution. Underline the main difference in Florida’s constitution (don’t get too nitpicky), then check the statement that best describes the difference.

<table>
<thead>
<tr>
<th><strong>U.S. Constitution</strong></th>
<th><strong>Florida Constitution</strong></th>
<th><strong>Explain the Difference:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.</td>
<td>All natural persons, female and male alike, are equal before the law.</td>
<td>The right being discussed is equality before the ________. Florida’s constitution gives □ more protection □ the same protection.</td>
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<tr>
<td>The right of citizens of the United States to vote shall not be denied... on account of race, ...[or] on account of sex ...[or to citizens] who are eighteen years of age or older...</td>
<td>No person shall be deprived of any right because of race, religion, national origin, or physical disability.</td>
<td>The U.S. Constitution talks about the right to ________, while the Florida constitution talks about ________ right. Florida’s constitution gives □ more protection □ the same protection.</td>
</tr>
<tr>
<td>Congress shall make no law... abridging the freedom of speech, or of the press...</td>
<td>All working Floridians are entitled to be paid a minimum wage...</td>
<td>Does the U.S. Constitution mention a minimum wage? □ Yes □ No</td>
</tr>
<tr>
<td>A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.</td>
<td>The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.</td>
<td>The right being discussed is the right to _______________. Florida’s constitution allows the state to limit □ the right to bear arms. □ how people bear arms.</td>
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<tr>
<td></td>
<td>No gill nets or other entangling nets shall be used in any Florida waters.</td>
<td>Does the U.S. Constitution mention fishing nets? □ Yes □ No</td>
</tr>
</tbody>
</table>

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Keep going on the next page!

Reading & Comparison Activity p.3
### Comparative Constitutions

**U.S. Constitution**

| No person shall be... subject for the same offence to be twice put in jeopardy of life or limb; nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law... |

**Florida Constitution**

| No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself. |

**Explain the Difference:**

The rights being discussed are due ______________, double ______________, and being a ______________ against yourself.

The Florida constitution gives

- [ ] more protection
- [ ] the same protection.

**The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...**

**Florida Constitution**

| The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. |

**Both constitutions guarantee freedom from unreasonable ______________ and ______________.**

The Florida constitution also guarantees freedom from unreasonable ______________ of private ______________.

**Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education...**

**Florida Constitution**

| There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. |

**The Florida constitution requires the state to maintain a system of ______________.**

Does the U.S. constitution mention schools or education?

- [ ] Yes
- [ ] No

**Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...**

**Florida Constitution**

| Those in the Everglades Agricultural Area who cause water pollution shall be primarily responsible for paying the costs of the abatement of that pollution. |

**Does the U.S. constitution mention cleaning up pollution?**

- [ ] Yes
- [ ] No

Does the U.S. constitution mention the Florida Everglades?

- [ ] Yes
- [ ] No

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**Reading & Comparison Activity p.4**
We Need a Little Change Around Here

Nothing stays the same—not even constitutions. Changing a constitution is a big deal. That’s because a constitution is the foundation for all the other laws in the country or in a state. Because constitutions are so important, it’s not easy to change them. They don’t pull a constitutional amendment out of a hat! Usually there is a complicated procedure that requires many people to agree on the proposed amendment. There are two main steps to amending (changing) most constitutions: proposing (suggesting) an amendment and ratifying (approving) the amendment.

Compare the methods for amending the U.S. Constitution with the methods for amending Virginia’s Constitution.

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<tr>
<th>U.S. Constitution</th>
<th>Virginia Constitution</th>
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<tbody>
<tr>
<td><strong>Step 1: Proposing an Amendment</strong></td>
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<td>Method 1: Either the state senate or the state house of delegates (like a house of representatives) proposes an amendment, and a majority of members of both houses vote to approve the idea</td>
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<td>Method 2: the legislatures in 2/3 of the states vote to propose an amendment</td>
<td>Method 2: Two-thirds of the members of both the Senate and the House of Delegates vote to call a convention for proposing an amendment</td>
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<td><strong>Step 2: Ratifying an Amendment</strong></td>
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<td>Method 1: the legislatures in three-fourths (3/4) of the states vote to approve the amendment</td>
<td>Method 1: After the next election of the House of Delegates, both the Senate and the House of Delegates vote to approve the amendment. Finally, the amendment is put on a ballot for the voters. If the voters approve the amendment, it becomes part of the constitution.</td>
</tr>
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<td>Method 2: Three-fourths of the states hold conventions that vote to approve the amendment</td>
<td></td>
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</table>

*Compare:* There is one major way that ratifying Virginia’s constitution is different from ratifying the U.S. constitution. What is that major difference? Why do you think we don’t do that for ratifying the U.S. Constitution?
A. Preamble

U.S. CONSTITUTION

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Write your state's preamble here:

B. Government

U.S. CONSTITUTION

The executive Power shall be vested in a President of the United States of America.

The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Who has the executive power in your state?

What courts have the judicial power in your state?

How is the legislative power structured in your state?
Comparative Constitutions

Quick Check

1) How many branches of government does your state have?
   _____ branches

2) Look at your state’s judicial system. What is the highest court in your state called?
   _______________________________

3) The U.S. Constitution says that U.S. Senators must be at least 30 years old and Representatives must be at least 25 years old. Does your state constitution give a minimum age for legislators?
   ___________________________ must be ___
   ___________________________ must be ___

4) The President of the United States serves a 4-year term. How long is your state governor’s term of office?
   _____ years
## Comparative Constitutions

### C. Rights

<table>
<thead>
<tr>
<th>U.S. Constitution</th>
<th>________________ Constitution</th>
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| No state shall ... deny to any person within its jurisdiction the equal protection of the laws. | What does your state constitution say about equality before the law? | ❑ No difference  
❑ Adds additional rights  
❑ Unique state rule |
| The right of citizens of the United States to vote shall not be denied on account of race, color, or previous condition of servitude [or] on account of sex [or to citizens] who are eighteen years of age or older... | Does your state constitution guarantee any rights to any specific groups of people? | ❑ No difference  
❑ Adds additional rights  
❑ Unique state rule |
| Congress shall make no law... abridging the freedom of speech, or of the press... | What does your state constitution say about freedom of speech and the press? | ❑ No difference  
❑ Adds additional rights  
❑ Unique state rule |
| A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. | What does your state constitution say about the right to bear arms? | ❑ No difference  
❑ Adds additional rights  
❑ Unique state rule |
|  | Does your state constitution put any limits on how people may bear arms? |  |

Comparison Worksheet p.3
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<td></td>
<td></td>
</tr>
<tr>
<td>What does your state constitution say about Double jeopardy? Being a witness against yourself? Due process of law?</td>
<td></td>
<td></td>
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<td>The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What does your state constitution say about searches and seizures?</td>
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<td></td>
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<td>What does your state constitution say about the right to an education?</td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Find something in your state constitution that deals with an issue that is unique to your state.</td>
<td></td>
<td></td>
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<td>☐ No difference ☐ Adds additional rights ☐ Unique state rule</td>
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What Does it Take to Amend Your Constitution?

Look at your state constitution to find out how it can be amended. In the space below, draw a diagram showing the process for amending your state constitution.
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. . . you have not seen them all! State constitutions usually have many things in common with the United States Constitution, but there are many differences too. The U.S. Constitution begins with a **Preamble** that introduces the Constitution and explains its purpose. The Florida Constitution, for example, also has a preamble.

**Activity:** Compare the Preamble of the U.S. Constitution with the Preamble of the Florida Constitution. **Box** the parts that are *the same* in both documents.

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**Government Rules!**

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The **supreme executive power shall be vested in a governor.**

The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts.

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*Keep going on the next page...*
Everybody’s Got Rights

State constitutions also contain many of the same rights and guarantees you see in the U.S. Constitution. The U.S. Constitution is the supreme law of the land and cannot be violated. That means state constitutions cannot give state citizens fewer rights than the U.S. Constitution gives. However, state constitutions can guarantee more rights than the U.S. Constitution does. For example, a state constitution might give more protection for a right that is also in the U.S. Constitution. A state constitution might also include additional rights that are not found in the U.S. Constitution. Finally, a state constitution might include rules about things that are unique to that state, such as how the state’s natural resources should be preserved.
### Comparative Constitutions

**Activity:** To see how a state constitution might offer similar yet different rights than the U.S. Constitution, compare the U.S. Constitution with parts of the Florida Constitution. Underline the *main difference* in Florida’s constitution (don’t get too nitpicky), then check the statement that best describes the difference.

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<td>The right of citizens of the United States to vote shall not be denied... on account of race, ...[or] on account of sex ...[or to citizens] who are eighteen years of age or older...</td>
<td>No person shall be deprived of any right because of race, religion, national origin, or physical disability.</td>
<td>The U.S. Constitution talks about the right to <em><strong>vote</strong></em>, while the Florida constitution talks about <em><strong>any</strong></em> right. The Florida constitution gives ☑ more protection ☐ the same protection.</td>
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<td>Congress shall make no law... abridging the freedom of speech, or of the press...</td>
<td>All working Floridians are entitled to be paid a minimum wage...</td>
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Reading & Comparison Activity p.3
## Comparative Constitutions

### Explain the Difference:

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<td>The rights being discussed are due <strong>process</strong>, double <strong>jeopardy</strong>, and being a <strong>witness</strong> against yourself. The Florida constitution gives ❑ more protection ❑ the same protection.</td>
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<tr>
<td>The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...</td>
<td>The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated.</td>
<td>Both constitutions guarantee freedom from unreasonable <strong><strong>searches</strong></strong> and <strong><strong>seizures</strong></strong>. The Florida constitution also guarantees freedom from unreasonable <strong><strong>interception</strong></strong> of private __<strong>communications</strong>.</td>
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<td>Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...</td>
<td>There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.</td>
<td>The right being discussed is the freedom of __<strong>religion</strong>. Florida’s constitution says people cannot practice religion in a way that is ❑ immoral ❑ not peaceful ❑ unsafe ❑ all of the above</td>
</tr>
<tr>
<td>Those in the Everglades Agricultural Area who cause water pollution shall be primarily responsible for paying the costs of the abatement of that pollution.</td>
<td>Does the U.S. constitution mention cleaning up pollution? ❑ Yes ❑ No</td>
<td>Does the U.S. constitution mention the Florida Everglades? ❑ Yes ❑ No</td>
</tr>
</tbody>
</table>

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### Notes:
- The Florida constitution gives the same protection as the U.S. constitution for the rights of due process, double jeopardy, and being a witness against oneself.
- Both constitutions guarantee freedom from unreasonable searches and seizures, and against the unreasonable interception of private communications.
- The Florida constitution requires the state to maintain a system of free public schools.
- Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.
- Florida’s constitution says people cannot practice religion in a way that is immoral, not peaceful, unsafe, or all of the above.
- Those in the Everglades Agricultural Area who cause water pollution shall be primarily responsible for paying the costs of the abatement of that pollution.

---

Reading & Comparison Activity p.4
We Need a Little Change Around Here

Nothing stays the same—not even constitutions. Changing a constitution is a big deal. That’s because a constitution is the foundation for all the other laws in the country or in a state. Because constitutions are so important, it’s not easy to change them. They don’t pull a constitutional amendment out of a hat! Usually there is a complicated procedure that requires many people to agree on the proposed amendment. There are two main steps to amending (changing) most constitutions: proposing (suggesting) an amendment and ratifying (approving) the amendment.

Compare the methods for amending the U.S. Constitution with the methods for amending Virginia’s Constitution:

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<th>Step 1: Proposing an Amendment</th>
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<td>Method 1: Two-thirds of the members of both the Senate and the House of Representatives vote to propose an amendment</td>
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<td>Method 2: the legislatures in 2/3 of the states vote to propose an amendment</td>
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<tr>
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<th>Virginia Constitution</th>
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<td>Method 1: the legislatures in three-fourths (3/4) of the states vote to approve the amendment</td>
<td>Method 1: After the next election of the House of Delegates, both the Senate and the House of Delegates vote to approve the amendment. Finally, the amendment is put on a ballot for the voters. If the voters approve the amendment, it becomes part of the constitution.</td>
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**Compare:** There is one major way that ratifying Virginia’s constitution is different from ratifying the U.S. constitution. What is that major difference? Why do you think we don’t do that for ratifying the U.S. Constitution?

[Answer: The voters in Virginia must approve the amendment. Amendments to the U.S. Constitution do not go to a popular vote. Instead, representatives in the states represent the wishes of the voters who elected them. This is part of the “representative democracy” we have in the U.S., as opposed to a “direct” democracy, in which everyone in the country would likely vote on an amendment.]